

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JULIO JAJE MENDOZA,
Plaintiff,

v.

N. HIRSH, *et al.*,
Defendants.

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CIVIL ACTION NO. 24-CV-6602

ORDER

AND NOW, this 25th day of March, 2025, it appearing that the Defendants in this case did not waive service pursuant to Federal Rule of Civil Procedure 4(d), it is **ORDERED** that:

1. The case shall proceed at this time to service by the U.S. Marshal Service, in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3), against the following Defendants:

- a. N. Hirsch
- b. Araya

2. In anticipation of service by the U.S. Marshal Service, the Clerk of Court is **DIRECTED** to send a copy of this Order to Mendoza together with one copy of the U.S. Marshal Service of Process Receipt and Return Form USM-285 (“USM-285 Form”) for each Defendant listed in paragraph one (1) of this Order.¹ The Clerk of Court is further **DIRECTED** to record the mailing on the docket.

3. To proceed with service, Mendoza must complete one USM-285 Form for each Defendant listed in paragraph one (1) and return the completed forms to the Clerk’s Office

¹ This form is available online at https://www.usmarshals.gov/sites/default/files/media/document/usm-285_process-receipt.pdf.

within **twenty-one (21) days** of the date of this Order. Service cannot be made by the U.S. Marshal Service until Mendoza completes and returns these forms.

4. In completing the USM-285 Form(s), Mendoza is instructed as follows:
 - a. Mendoza should complete one separate USM-285 Form for each Defendant listed in paragraph three (3) of this Order. Only one Defendant's name should appear on each USM-285 Form.
 - b. Mendoza shall not complete a USM-285 Form for any individual or entity that is not listed as a Defendant in paragraph three (3) of this Order, or any Defendant who already has been dismissed from this case.
 - c. Mendoza should include as much identifying information as possible for each Defendant, including the Defendant's first name, last name, and, where relevant, the Defendant's badge number.
 - d. Mendoza must provide each Defendant's complete address at a location where that Defendant can be served. **The U.S. Marshals Service cannot serve a Defendant at a P.O. Box address.** It is Mendoza's responsibility, and not the duty of the Court, the Clerk's Office, or the Marshals Service, to ascertain the addresses of the Defendants.²

² See, e.g., *Meade v. Reynolds*, 810 F. App'x 86, 88 (3d Cir. 2020) (*per curiam*) (“[T]he plaintiff must provide the district court with sufficient information to enable the Marshals Service to effectuate service of process.” (citing *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993)); *Harris v. McMullen*, 609 F. App'x 704, 707 (3d Cir. 2015) (*per curiam*) (“Harris has not pointed to any authority instructing that a District Court or the USMS must engage in extraordinary measures to assist an [*in forma pauperis*] litigant in locating a defendant's address for the purpose of service of process, and we are not aware of any.”).

- e. Mendoza must sign the USM-285 Forms on the signature block marked
“Signature of Attorney other Originator requesting service on behalf of:
PLAINTIFF”, and provide the date the form was signed.
- f. Failure to include a proper address may result in the Defendant not being
served and/or the dismissal of Mendoza’s claims against any such Defendant.

5. Mendoza is cautioned that failure to return completed USM-285 Forms in
accordance with the above instructions may result in dismissal of this case for failure to
prosecute, without further notice from the Court.

6. The Clerk of Court is **DIRECTED** to docket any USM-285 Forms that Mendoza
returns in this case.

7. The Clerk of Court is **DIRECTED** not to issue summonses at this time. The
Court will direct issuance of summonses upon receipt of properly completed USM-285 Forms.

BY THE COURT:



MARY KAY COSTELLO, J.